

DUNKARD CREEK-6JanY2K11

DOMINION POST page 1D Thursday 6 January 2011:

<http://ee.dominionpost.com/Repository/ml.asp?Ref=RFBvc3QvMjAxMS8wMS8wNiNBcjAyMTAz&Mode=Gif&Locale=english-skin-custom>

## **Watershed legislation discussed**

*2 bills on tap for Marcellus drilling*

*BY ALEX LANG  
The Dominion Post*

One legislator and an environmental lobbyist updated local watershed groups about bills — on water quality standards and Marcellus shale drilling — that could come before state lawmakers when they convene next week in Charleston.

Barbara Evans Fleischauer, D-Monongalia, and Don Garvin, the legislative coordinator for the West Virginia Environmental Council, discussed the upcoming legislative session with the Monongahela Area Watersheds Compact at its Wednesday meeting.

"We need to make sure we protect our land and citizens for the future," Fleischauer said.

The compact is a group of 47 organizations impacted by local waterways.

Garvin said there are two bills the Legislature is considering to help regulate Marcellus shale drilling.

Marcellus Shale is a rock formation thousands of feet below the earth. Companies have to use horizontal drilling and fracture the rock with high-pressure water and chemicals — a process known as "fracking" — to release the natural gas.

Some people have expressed concern because the fracking process uses a lot of water, and there are fears about what happens to the wastewater and the potential impact such drilling could have on drinking water.

One of the bills comes from proposals by the Department of Environmental Protection (DEP). The other is from the Joint Judiciary Committee's staff.

"There's lots of good things in both of these bills," Garvin said.

Each bill is more than 100 pages long and is based on one proposed last year, Garvin said. They each have reporting requirements for where companies withdraw and dispose of the frack water and how they use it.

One of the differences lies in the fees the state would collect for a well permit. Under the DEP proposal, there would be a \$10,000 fee per well. The Judiciary bill has a \$15,000 per-well fee and a \$15,000 per-well reclamation fee, as well as other proposed fees.

Some of the money would be used to help pay for more inspectors. DEP Secretary Randy Huffman has requested 34 more inspectors be hired in the next three years, Garvin said. The Department of Oil & Natural Gas has 17 inspector positions for hundreds of wells.

In mid-December, a judiciary subcommittee failed to vote to move the bill on to the full committee because a quorum could not be reached. A number of senators on the committee failed to show, according to previous reports in The Dominion Post.

Garvin said he expects the same thing will happen when the subcommittee meets again.

"I predict they will boycott the meeting this month," he said. "My prediction is that it won't get out of committee."

But that doesn't mean the bill is dead. A legislator will have to introduce the bill, Garvin said. Fleischauer said a bill is on the "fast track" when it comes out of a committee.







[illegible]

Talk of creating similar letters to disseminate to the newspaper where these specific senators live was discussed and continues to be worked on.

**1/3/11** A meeting is held in Grafton from 1-3:30 via the Compact's leg committee to formulate a new game plan... Governor Tomblin is "aware" of our concerns and issues, though has yet to set a date for us to visit with him and express our concerns in person. We are currently working on drafting another letter to Tomblin to request a meeting. During the meeting the following action plan comes into fruition:

1. Recommend all watershed groups write letters to their legislator
2. Recommend face to face meetings in Charleston via representatives' of the Compact
3. Garner support from Southern WV watersheds and other alike organizations
4. Create petitions for the general public to sign (watershed groups and the like)
5. Recommend all watershed groups send a Letter to the Editor of their local newspaper to inform the public about water quality issues and how important it is that legislation is passed to protect WV's water, health, and land during the upcoming 2011 WV Legislative session

## Charleston Gazette Thursday 6 January 2011:

January 5, 2011

Developer to seek license for state hydro plant

GRAFTON, W.Va. -- A developer says construction of a proposed hydroelectric plant at Tygart Lake Dam could begin in 2012.

By [The Associated Press](#)

The Associated Press

GRAFTON, W.Va. -- A developer says construction of a proposed hydroelectric plant at Tygart Lake Dam could begin in 2012.

Fairlawn, Ohio-based Advanced Hydro Solutions wants to build a 28-megawatt hydroelectric plant at the dam in Taylor County.

Cliff Phillips with Advanced Hydro Solutions told West Virginia Public Broadcasting that the company expects to get a license from the Federal Energy Regulatory Commission in early 2012. Commercial operation could begin before the end of 2013.

The company plans to meet Thursday in Bridgeport with state and local officials to discuss studies it had to conduct before applying for a license.

## Washington PA OBSERVER REPORTER Thursday 6 January 2011:



# AP article ignored DEP effort

1/6/2011 3:34 AM

It's appalling that David Caruso's Associated Press article (O-R, Jan. 3) would be posted and published based on the sensational premise that Pennsylvania isn't protecting drinking water sources from drilling wastewater. Here's the reality: Every drop of tap water that was publicly treated is required to meet the safe drinking water standard.

On Aug. 21, a strict regulation took effect that ensures no water supply is at risk for not meeting the safe drinking water standard for total dissolved solids. The Department of Environmental Protection has actually been incorporating this standard into permits since mid-2009.

The new regulation requires new or expanding dischargers to meet the TDS standard of 500 milligrams per liter. Existing dischargers are allowed to maintain their output levels so long as the receiving stream does not approach the TDS limit - a point lost in the AP's story.

If the extensive, multipartner monitoring network detects waterways exceeding 75 percent of that limit, DEP will step in and reduce the pollution so no industry compromises Pennsylvania's drinking water quality.

The state's booming Marcellus drilling industry is creating challenges, but Pennsylvania has stepped up to meet those challenges at every turn. We've doubled the number of oversight staff and now have arguably the nation's most aggressive oversight program.

That's the real story here, but government doing its job doesn't grab headlines the way a piece like Caruso's does. That's disappointing.

John Hanger

The writer is secretary of the state Department of

Environmental Protection.

## Township to meet on drilling ordinance

1/6/2011 3:34 AM

By Scott Beveridge

Staff writer

[sbeveridge@observer-reporter.com](mailto:sbeveridge@observer-reporter.com)

SCENERY HILL - North Bethlehem Township supervisors have become the latest municipal leaders to want to set limitations on the booming Marcellus Shale industry.

They will hold a workshop today on an ordinance regulating natural gas operations as the Southpointe-based Rice Energy LLC makes plans to construct four drilling sites in the township, supervising Chairman Robert Taylor said.

"We are trying to make it as painless on the residents and environment as we can," Taylor said.

The proposed ordinance would not permit drilling companies to store recycled fracking water in open containers and would control other such issues as lighting, he said.

Elected officials in other local municipalities, including those in North Franklin, Buffalo and Cecil townships, have drafted similar ordinances as gas exploration companies expand their operations.

Rice has expressed an interest in drilling on two sites along Pine Run Road in North Beth, and one each along Myers Road and Dague Hollow Road, Taylor said.

Supervisors there also are drafting regulations on any gas compressor stations that might be constructed in the township. Another ordinance under consideration would set rules for constructing driveways into drilling sites, he said.

The workshop on the drilling ordinance is scheduled for 6:30 p.m. today at the old schoolhouse on School Street.

Copyright Observer Publishing Co.

## **Quality of Western Pennsylvania's rivers on the rise**

**By Bob Frye**  
**TRIBUNE-REVIEW**

*Thursday, January 6, 2011*

The quality of water in Pittsburgh's rivers apparently is improving.

Officials with the Pennsylvania Department of Environmental Protection think so, at least, judging by their recommendations about eating fish from those waters.

The agency — together with the Pennsylvania Fish and Boat Commission and Department of Health — annually puts out a fish consumption advisory for waters in the state. A news release announcing this year's recommendations went out about two weeks ago.

A DEP official said that was a mistake — it was to go under further review before being made public — but the information already has been published in a couple of outlets.

A revised version has not been released, but the original notice eased the advisory against eating carp from the Monongahela and Ohio rivers at the Point in Pittsburgh, putting a one meal per month limit in its place. Likewise,



state officials said it's OK to eat one meal of channel catfish per month from the Ohio River at the Point. The advisory against eating freshwater drum from the Allegheny, Monongahela and Ohio at the Point was lifted altogether.

All of the advisories are based on samples of PCBs, an industrial pollutant, in fish in the rivers.

The new advisories, should they stick, are good news, said Rick Lorson, the Fish and Boat Commission's area fisheries manager based in Somerset.

PCBs build up in the fatty tissues of fish, especially those at the bottom of the food chain, such as catfish and carp, and to a lesser extent drum, which are more selective feeders. Their production has been banned, but they've persisted in the environment for decades.

"Those contaminants are long-lived, but they do have what's called a half-life, and they do slowly disappear over time," Lorson said. "And maybe we're getting to that time."

In a separate news release, the DEP announced there are no restrictions on eating fish caught in Pymatuning and Tamarack lakes.

"The fish in Pymatuning Reservoir are safe to eat when consumed according to the recommended statewide advisory of one meal per week," the advisory said.

Last spring, a large number of fish in both lakes — everything from crappies and carp to walleyes and muskies — died. The state suggested anglers stop eating fish from both waters until a cause was found.

Eventually, it was determined that a naturally occurring bacteria spawned by rapidly rising water temperatures was to blame. The do-not-eat advisory was lifted in June and is not expected to return.

*Bob Frye can be reached at [brye@tribweb.com](mailto:brye@tribweb.com) or 724-838-5148.*

## **Plum planners to review drilling requirements**

**By staff reports**

**PITTSBURGH TRIBUNE-REVIEW**

*Thursday, January 6, 2011*

Plum's planning commission this month is expected to review proposed requirements for Marcellus shale drilling.

The review comes as Greg Bachy, borough planning director, puts some final touches on revisions to the proposal.

The revisions would amend the borough's unified development ordinance so the borough has regulations for Marcellus shale drilling.

Bachy declined to discuss the revisions, which are expected to be completed for the commission's review during the 6:30 p.m. meeting Jan. 17.

Plum Council will review and vote on the proposed amendments after the planning commission makes a recommendation on them.

**URL for article below:**

<http://www.sacurrent.com/news/story.asp?id=71891>

SAN ANTONIO CURRENT | 1/5/2011

## NEWS

# Sinking feelings

Gas fracking may already be lowering water tables in South Texas

by Robert Crowe

Photo by Robert Crowe

Old-time Karnes County oil man John Braudaway talks to one of his employees about monitoring an oil rig.

Photo by Robert Crowe

A well rig drilling for oil and gas along Texas Highway 80 in Karnes County, used to drill 5,000 to 16,000 feet underground to the shale. After the well is drilled and fracked, a "christmas tree" is installed on the location.

**KARNES COUNTY** — Veteran oilman John Braudaway has been in the industry so long that he says he can estimate the amount of crude in a 400-barrel storage tank just by feeling slight temperature differences on the metal surface.

While that may sound like a Texas tall tale told by an affable septuagenarian who bears a slight resemblance to Tommy Lee Jones, one thing's for sure: Braudaway has enough oilfield wisdom to know that the frenzy around the Eagle Ford Shale is different than any boom he's seen since his early days working South Texas oil fields in the 1950s.

This time around, the wells are drilled horizontally, and then there's the potential that hydraulic fracturing, or "fracking," will have long-term effects on South Texas water tables in a region that has long struggled with drought. A typical fracked well in Karnes County uses 3 to 6 million gallons of water, which is pumped thousands of feet underground to release oil and gas from the shale formation.

Many in Karnes County welcome the boom, but the water issue keeps confronting the oil industry. "They already know they're gonna run this area out of water; there's no ifs, ands, or buts about it," said Braudaway, whose livelihood still depends on oilfield services.

For some folks, the water future of South Texas boils down to simple math – when you suddenly pull millions of gallons from local aquifers without replenishing that supply, there's going to be less for homes, farms, and ranches. "We know it's happening because our water well has already dropped in just three months," said Allan Hedtke, a Karnes City resident.

In spite of off-and-on drought conditions, Hedtke's well held steady at 225 feet below ground for years before suddenly dropping to 300 feet last fall. Hedtke and neighbors with similar experiences feel strongly that the recent drilling and oil production activity nearby caused the change. "I can't prove it's them, but there's no other explanation," he said.

Soon after Eagle Ford drilling activity picked up last year, other South Texans complaining of low water wells prompted the Evergreen Underground Water Conservation District to launch a new monitoring program in four counties where some of the heaviest drilling and fracking takes place. "We really have no idea how much water they are pulling from our area, and it's really frustrating,"



said Larry Akers, assistant manager of the Evergreen district, the water planning agency for Atascosa, Frio, Karnes, and Wilson counties.

In three months, the well monitors have shown slight decreases of a foot or less, but nothing conclusive enough to determine whether oil and gas drilling is the cause. “I think it’s a lot of fear now, but that fear will become a real problem (for the water supply) in the next five years,” Akers said.

## **Regulation lacking**

Similar water issues played out in North Texas over the past decade with the Barnett Shale development. Pressure on the Trinity and Woodbine aquifers prompted the Texas Water Development Board (TWDB) to designate that region a “priority groundwater area” and form the Upper Trinity Groundwater Conservation District. A TWDB study found that oil and gas development in 2005 consumed 3 percent of all Trinity and Woodbine groundwater and was expected to increase up to 13 percent by 2025.

“The whole situation does create a quandary for water districts,” said Billy Howe, state legislative director of the Texas Farm Bureau. “Do you do something to slow production in those gas fields?”

As Akers and other Evergreen officials have discovered, water conservation districts have no real teeth to regulate the oil and gas industry’s use of water. Permits are not required for water wells that support oil and gas operations, and there are no water limits, Akers said. Oil rigs servicing water wells, however, must be registered with the local water conservation district, and property owners are required to file monthly use reports. Few, however, register wells, and many of those who do often send reports three months late, Akers said. With limited staff, Evergreen cannot even verify metering accuracy.

“The state’s regulatory response is not protecting our groundwater at all,” said Sharon Wilson, a North Texas blogger and activist who documents problems with fracking and drilling in the Barnett Shale.

## **Pollution concerns**

Fracking is a controversial technology blamed for contaminated water wells and air pollution across the country. Cabot Oil, a Texas company with serious investment in the Eagle Ford Shale, recently agreed to pay \$4.1 million to Pennsylvania residents whose water wells were contaminated with methane. The Current reported in June that 70 percent of residents surveyed in the North Texas town of Dish were complaining of breathing difficulties, and, in August, that formaldehyde levels at a Titan Engineering site in North Texas were recorded at levels known to cause breathing problems, levels one investigator characterized as “astoundingly high.”

In the fracking process, water is combined with a mixture of toxic chemicals (the composition of which industry has routinely refused to disclose to regulators) before it is pumped into the oil or gas well. Up to 90 percent of the water disappears underground, while the remaining supply, considered highly toxic, returns to the surface to be trucked to another location and injected 8,000 to 15,000 feet underground in disposal wells.



The potential to contaminate water wells with chemicals and gas seepages increases every time wells are fracked near potable supplies, said Alyssa Burgin of the Texas Drought Project. “People are astoundingly ignorant about all this,” Burgin said. “They’re all so excited about the money and checks these companies are writing them that no one has made a negative comment.”

Akers said the Evergreen district has not received any complaints similar to the well-contamination horror stories featured in the documentary *Gasland* and countless media reports from across the country. Still, such events are inevitable in South Texas, says Wilson. “I’ve been telling people in South Texas that once they drill on your land, it will never be safe again,” she said.

After she encouraged church leaders in South Texas to host a public screening of *Gasland*, they responded by saying that oil and gas companies had insisted the film was anti-industry propaganda.

## **Economic impact**

The Eagle Ford has been touted as the country’s largest shale play, attracting major domestic and foreign companies to invest billions in exploration. Gas-well production tripled last year, while oil production increased from 304,500 barrels in 2009 to 1,629,055 in 2010, according to the Railroad Commission of Texas. With oil prices fetching \$90 a barrel and climbing, the industry is focusing on developing crude, but natural gas is still collected and can be further developed with an increase in price.

In Karnes County, 300 new oil and gas drilling permits have been issued. Karnes City, the county seat, pulled 216.2 million gallons of water for municipal use in 2009. If those 300 drilling permits issued result in the use of at least 3 million gallons of water for each site, fracking activity would more than double the water used by Karnes City’s 15,000 residents in one year.

## **Water in Karnes County**

The immediate concern is that fracking has lowered water in the “water sands,” an area ranging between 100 to 700 feet underground where potable water is found. Braudaway said pressure on those wells forces drilling even deeper — about 3,000 feet, where water from the Carrizo-Wilcox Aquifer comes out scalding hot. Still, even this concerns Akers of the Evergreen district because the Carrizo-Wilcox is the main aquifer for the region.

Johnny Moy, co-owner of Thomas Moy & Sons Water Well Drilling, said his family’s company does plenty of business to serve the fracking needs of the biggest names in the oil industry. “I’ve seen [the water table] go down a little bit, but there’s still plenty of water down there,” he said.

Water has become such a hot commodity that some property owners have begun drilling water wells to supply the fracking industry. That water is supposedly transported by truck or in temporary pipelines, up to 10 miles in some cases.

Barclay Houston, the San Antonio-based chief financial officer for Supreme Vacuum Services, said his company made a conscious decision to drill supply wells 8,000 to 15,000 feet to capture non-potable, salty water. “There’s a misconception that we’re all destroying potable water, and that’s absolutely untrue,” he said.



## Long-term planning

Oil and gas drilling has complicated efforts by the Texas Water Development Board to plan for sustainable water use over the next 50 years. Water wells that serve the oil industry are not required to report usage when factoring the desired future condition (DFC) estimates for long-term planning.

“It’s something the Legislature will eventually have to address,” said Paul Bordovsky, Evergreen’s board president.

Bordovsky said the oil and gas boom has been great for the local economy, and he has no complaints since leasing mineral rights on his Karnes County ranch to ConocoPhillips. He is skeptical, however, that the oil industry is lowering water tables. “There’s a good bit of hysteria about it,” he said.

On his property, located in a relatively dry patch of Karnes County, water wells were not drilled for fracking. Instead, water was trucked in and stored in large tanks.

In an area not too far from Bordovsky’s ranch, where drilling rigs have popped up over the past year, Hedtke and other property owners are wondering how much lower they will have to submerge water pumps to supply residences and cattle ponds. “Our water drop was rather sudden,” said Marvin Witte, the owner of a 400-acre cattle ranch with a pending oil and gas lease. He expects the drilling companies to begin exploration sometime in the next two years. “It’s a scary thought that all the oil in the world ain’t gonna help you if you don’t have water to drink.” •

© 2011 San Antonio Current

## Catskill Mountainkeeper

January 5, 2011

### **Governor Cuomo Nominates Joseph Martens as NY State's Department of Environmental Conservation's Commissioner**

Yesterday, Governor Cuomo's office announced that Joseph Martens will be nominated to serve as Commissioner of the Department of Environmental Conservation. Joe Martens, who has been president of The Open Space Institute for 16 years, has dedicated his career to safeguarding the environment and New York State. He has been responsible for preserving thousands of acres of open space and farmland during this time.

Joe Martens has served on the Board of a number of organizations including the Chair of the Catskill Mountainkeeper Advisory Board since our founding in 2007. Governor Cuomo has sited Martens' ability to strike a critical balance between the importance of the environment and commerce in order to protect the environment while fostering economic growth.

We too believe that Martens is a practical person arriving at the right time to guide us through a critical period in New York's history. Meanwhile, Catskill Mountainkeeper will continue to play its role in protecting the natural resources of the Catskills and surrounding areas.

We are proud of Joe Martens and wish him well.

For more on Martens' nomination read the New York Times story here:

<http://green.blogs.nytimes.com/2011/01/04/cuomo-picks-open-space-advocate-for-environment-chief/?partner=rss&emc=rss>

The New York Times

**Green**

**A Blog About Energy and the Environment**

JANUARY 4, 2011, 5:56 PM

## **Cuomo Picks 'Open Space' Advocate for Environment Chief**

By [LESLIE KAUFMAN](#)

Gov. Andrew Cuomo is receiving plaudits from environmental groups for [nominating Joseph Martens](#) as the new commissioner of New York State's Department of Environmental Conservation.

Open Space Institute Joseph Martens

Since 1998, Mr. Martens has served as president of the [Open Space Institute](#), a nonprofit that works largely in the northeastern United States to acquire lands for conservation and sustainable development and farming. Mr. Martens also served as deputy state secretary of energy and the environment from 1992-94, during the gubernatorial administration of Mr. Cuomo's father, Mario.

Last fall the Department of Environmental Conservation was rocked when David Paterson, then governor, [dismissed](#) the well-respected Alexander B. Grannis after the public disclosure of a memo that Mr. Grannis had written about the negative impact that a new round of layoffs would have on the agency. He has since been hired to work for the state's comptroller.



The announcement of Mr. Martens's appointment drew praise from groups like the Natural Resources Defense Council. "Joe Martens' experience, judgment, and temperament make him the right person at the right time to meet the challenges that D.E.C. faces," said Ashok Gupta of the natural resources council. "He has the support and key relationships with the business and environmental community that will allow him to hit the ground running."

But Mr. Martens clearly has his challenges cut out for him. For one thing, the state faces severe budget troubles that are likely to keep staff levels low. He would also oversee the drafting of state regulations governing a hugely controversial type of natural gas drilling known as horizontal hydraulic fracturing. Many environmentalists worry that such drilling, which involves high-pressure injections of water and chemicals into rock, could pollute groundwater.

Last spring the state moved to greatly restrict such drilling in an upstate area that supplies most of New York City's drinking water, but much remains undecided. Many are avidly awaiting a [report from the federal Environmental Protection Agency](#) on the potential risks of fracking that is expected in 2012.

The Gannett Web site Pressconnects.com, which focuses on news of interest to the greater Binghamton, N.Y., area, has posted what it describes as [a transcript](#) of a speech that Mr. Martens delivered last year at Union College in Schenectady in which he urges the Department of Environmental Conservation to "go slow" on fracking until the E.P.A.'s conclusions are clear.

"Of all the daunting environmental challenges that D.E.C. has faced during the past 40 years—criteria pollutants, hazardous waste, acid rain, even climate change—hydrofracking in the Marcellus may be the most difficult and daunting of them all," the text says.

Mr. Martens is quoted as adding: "If nothing else, it seems to me, the department should go slow. The tragedy of the Deepwater Horizon operation in the gulf clearly demonstrated that the unexpected can and will happen. It is also clear that the gas industry has not been as candid as it should have been with regards to the potential for problems."

"That suggests to me that our fate—and the need to separate objective science and environmental assessment from industry rhetoric—is in D.E.C.'s hands, and the stakes could not be higher," the text says. "The E.P.A. has initiated a \$1.9 million, two-year study of the impact of hydrofracking on health and the environment. What's the down side of waiting for the results?"



(The transcript was originally posted at the Open Space Institute's Web site, [Pressconnects.com](http://Pressconnects.com) said. But the text is longer available there.)

Washington PA OBSERVER REPORTER:

## **Gas compressor station proposed in Cecil**

1/4/2011 12:37 PM

CECIL – It's been a little less than a year since Cecil Township became the first community in Washington County to approve an oil and gas drilling ordinance, and the issue remains on the front burner there.

On Jan. 17, Cecil's zoning hearing board will listen to a proposal from representatives of Denver-based MarkWest Energy to build a natural gas compressor station off State Route 980. Compressor stations are typically used to filter out other elements from natural gas after it is drilled, put the gas in a pipeline and move it to the marketplace.

Compressor stations have sometimes been the object of complaints from people who live near them, who say they are noisy and smelly. If the zoning hearing board approves the compressor station, it will be the third for MarkWest in the county. A station in Chartiers Township is operating and another was approved last week in Buffalo Township.

Next month, Cecil's board of supervisors will consider an ordinance that would restrict compressor stations to the parts of the township zoned for industrial use. A public hearing is set for 5:30 p.m. Feb. 7.

The board is also continuing to ponder whether to make some changes to its original oil and gas drilling ordinance. When it was approved in March, drilling was a permitted activity in all parts of the township; now, the board is thinking about making it a conditional use, which would mean a driller would have to state their case before the board in a public hearing.

Supervisor Kevin Camerson suggested, however, that changing the ordinance from a permitted use to a conditional use would "add subjective things" to it, and the board should tweak what is already on the books. Fellow Supervisor Tom Casciola echoed those sentiments, saying the board should "keep it as is with improvements."

But Supervisor Mike Debbis said that making drilling a conditional use would allow the township to have "more control" over where drilling happens.

The board also hopes representatives from Range Resources, the leading natural gas driller in the region, will be at supervisors' Feb. 7 meeting. In November, an attorney for Range urged the board not to change the ordinance, and said the company would be making suggestions on how to improve it. However, the township has not heard from Range in the last two months, said solicitor John Smith.



But, even if the board holds a hearing, “they might decide not to change” the ordinance, Smith explained. Copyright Observer Publishing Co.